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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721			TALBOT, MICHAEL	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,014

Applicant(s)

PARK, KEITH

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (a) housing 6 first appearing on page 6, line 12 and again on page 7, line 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Applicant may elect the option to remove character reference "6" throughout the specification in lieu of providing Replacement sheets correcting the drawings.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second free end being integrally

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formed with the user actuation means" recited in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Refer to page 6, line 23, the character reference "housing 2" should be changed so as to read --housing-- (if Applicant elects to cancel character reference 6 throughout the specification) or should be changed so as to read --housing 6-- (if Applicant elects to provide replacement drawing sheets as noted above under the section entitled "Drawings").

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-4, 15, 19, 21, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said clamping members" in lines 2 through 3. There is insufficient antecedent basis for this limitation in the claim because claim 1, from which claim 2 depends from, recites the limitation of "one or more clamping members". As best understood and for examination purposes, the claim limitation will be evaluated as singular and/or plural clamping members.

Claim 3 recites the limitation "the exterior" in lines 2 through 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the clamping members" in lines 2 through 3. There is insufficient antecedent basis for this limitation in the claim because claim 1, from which claim 4 ultimately depends from, recites the limitation of "one or more clamping members". As best understood and for examination purposes, the claim limitation will be evaluated as singular and/or plural clamping members.

Claim 15 recites the limitation "said clamping members" in line 2. There is insufficient antecedent basis for this limitation in the claim because claim 1, from which claim 15 depends from, recites the limitation of "one or more clamping members". As best understood and for examination purposes, the claim limitation will be evaluated as singular and/or plural clamping members.

Claim 19 recites the limitation "said clamping members" in lines 2 through 3. There is insufficient antecedent basis for this limitation in the claim because claim 1, from which claim 19 depends from, recites the limitation of "one or more clamping members". As best understood and for examination purposes, the claim limitation will be evaluated as singular and/or plural clamping members.

Claim 21 recites the limitation "the clamping members" in line 5. There is insufficient antecedent basis for this limitation in the claim because claim 1, from which claim 21 ultimately depends from, recites the limitation of "one or more clamping members". As best understood and for examination purposes, the claim limitation will be evaluated as singular and/or plural clamping members.

Claim 24 recites in two occurrences the limitation "said clamping members" in line 5 and again in line 9. There is insufficient antecedent basis for this limitation in the claim because earlier in lines 3 through 4, claim 24 also recites the limitation of "one or more clamping members". As best understood and for examination purposes, the claim limitation will be evaluated as singular and/or plural clamping members.

Claim 25 recites in two occurrences the limitation "said clamping members" in lines 4 through 5 and again in lines 6 through 7 and also recites the limitation "the clamping members" in line 9. There is insufficient antecedent basis for this limitation in the claim because earlier in lines 3 through 4 and again in lines 9 through 10, claim 25 also recites the limitation of "one or more clamping members". As best understood and for examination purposes, the claim limitation will be evaluated as singular and/or plural clamping members.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-11,13-19,22,24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Giffin '805. Giffin '805 shows in Figures 1-6 and 19-21 a clamping tool for a tool component (88) comprising a housing (44,68,152) with a tool component location channel (84) defined therein for locating at least a part of the tool component (Figs. 4-6) and one or more clamping members (52 and/or 386,390) movably mounted in housing between an unlocked position (col. 5, lines 55-67) wherein the tool component can be inserted or removed from the clamping device and a locked position (col. 5, lines 31-47) wherein the tool component can be clamped between one or more surfaces (interior surface) of the clamping member and one or more surfaces (interior wall surface) of the tool component location channel. Giffin '805 shows at least a part (64) of the user actuation means (64,76) being accessible for an exterior of the housing and provided to move the clamping member between the locked and unlock positions. Giffin '805 shows the user actuation means having resilient biasing means in the form of a spring (60) to bias the clamping member to the locked position (col. 6, lines 26-32). Giffin '805 shows the one or more clamping members being pivotally mounted (col. 5, lines 54-59) about snap ring (72) in a cavity (interior space within 152,168) in the housing. Giffin '805 shows a cavity (interior space within 152,168) in which the clamping member is mounted and communicates with the tool component location channel also defined in housing. Giffin '805 shows two clamping members (Figs. 19-21 and 386,390) spaced a distance apart and moving substantially simultaneously and/or parallel to each other (col. 7, lines 58-67) upon movement of

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the user actuation means. Giffin '805 shows a first end (128) moveably mounted in the housing and a second free end (132) located with the user actuation means. Giffin '805 shows a recess or aperture (col. 5, lines 41-47) provided in the user actuation means in which the second free end is located (Fig. 4 at 148). Giffin '805 shows at least one slot (124) provided in the clamping member wherein the slot is aligned with and substantially parallel to the tool component location channel when in the unlocked position (col. 5, lines 55-67) and the slot is moved to a position wherein it is out of alignment with the tool component location channel when in the locked position (col. 5, lines 31-37). Giffin '805 shows the clamping member being formed of an elongated arm (parts 128,132) with at least one slot (124) provided transversely therethrough.

8. Claims 1-5,7,11-13,15-19,22,24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Finnigan '413. Finnigan '413 shows in Figures 1-4 a clamping tool for a tool component (6) comprising a housing (A,5,8) with a tool component location channel (8) defined therein for locating at least a part of the tool component and one or more clamping members (11) movably mounted in housing between an unlocked position wherein the tool component can be inserted or removed from the clamping device (page 2, lines 11-19) and a locked position wherein the tool component can be clamped between one or more surfaces (13) of the clamping member and one or more surfaces (interior wall surface of 8) of the tool component location channel. Finnigan '413 shows at least a part of the user actuation means (15 and page 1, lines 100-105) being accessible for an exterior of the housing (Fig. 4) and provided to move the clamping member between the locked and unlock positions (page 2, lines 11-19). Finnigan '413 shows the user actuation means having resilient biasing means (17) in the form of a spring to bias the clamping member to the locked position (page 2, lines 1-10). Finnigan '413 shows a cavity (page 1, lines 106-110) in which the clamping member is mounted and communicates with the tool component location channel also defined in housing. Finnigan '413 shows a first

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end (16) moveably mounted in the housing and a second free end (15) integrally formed with user actuation means. Finnigan '413 shows at least one slot (12) provided in the clamping member wherein the slot is aligned with and substantially parallel to (13 is out of engagement with 14, i.e. centered) the tool component location channel when in the unlocked position and the slot is moved to a position wherein it is out of alignment (13 is engaged with 14, i.e. off-center) with the tool component location channel when in the locked position. Finnigan '413 shows the clamping member being formed of an elongated arm (sides around slot 12) with at least one slot (12) provided transversely therethrough.

9. Claims 1-6, 11-13 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2192363. GB 2192363 shows in Figures 1-3 a clamping tool for a saw blade tool component (5,6) comprising a housing (1,2,3) with a tool component location channel defined therein for locating at least a part (5) of the tool component and one or more clamping members (8) movably mounted in housing between an unlocked position wherein the tool component can be inserted or removed from the clamping device and a locked position wherein the tool component can be clamped between one or more surfaces (interior surface) of the clamping member and one or more surfaces (interior wall surface of 1,2) of the tool component location channel. GB 2192363 shows at least a part (10) of the user actuation means (9,10) being accessible for an exterior of the housing (Fig. 2) and provided to move the clamping member between the locked and unlock positions. GB 2192363 shows the user actuation means having resilient biasing means (via leaf spring 8) in the form of a spring to bias the clamping member to the locked position. GB 2192363 shows the one or more clamping members being pivotally mounted (about 14,15) in a cavity in the housing. GB 2192363 shows a first end (14) moveably mounted in the housing and a second free end (9,10) integrally formed with user actuation means. GB 2192363 shows at least one slot (13) provided in the clamping member wherein the

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slot is aligned with and substantially parallel to the tool component location channel when in the unlocked position and the slot is moved to a position wherein it is out of alignment with the tool component location channel when in the locked position. GB 2192363 shows the clamping member being formed of an elongated arm (14,16,8,9,10) with at least one slot (13) provided transversely therethrough (Fig. 2). GB 2192363 shows the saw blade having two flat surfaces (top and bottom in Fig. 1) and two end surfaces (sides in Fig. 2), wherein the two flat surfaces have a larger surface area and are clamped between one or more interior walls of the housing and the clamping member in the locked position.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giffin '805. Giffin '805 discloses the claimed invention except for second free end of the clamping member being integrally formed with the user actuation means. It would have been obvious to one of ordinary skill in the art at the time invention was made to make the second free end of the clamping member integral with the user actuation means for the purpose of reduction in parts and/or improved connection, because it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Conclusion

12. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's

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office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



MWT
Examiner
28 June 2006



Daniel W. Howell
Primary Examiner
Art Unit 3722